

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Stanley R. Luhr
Application No.	:	10/900,734
Filed	:	July 28, 2004
For	:	SYSTEMS AND METHODS FOR SELECTING AND PRIORITIZING CONSTRUCTION CHECKPOINTS
Confirmation No.	:	7597
Group Art Unit	:	3623
Examiner	:	Brandi P. Parker

DECLARATION OF JEFFREY J. COOK
SUBMITTED UNDER 37 CFR 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

I, Jeffrey J. Cook, declare as follows:

1. I am Vice President of Wick Pilcher Insurance, which has its primary place of business at Anchor Centre, 2201 E. Camelback Road, Suite 220A, Phoenix, Arizona 85016.
2. Wick Pilcher Insurance is an independent broker of insurance that assists clients in obtaining and retaining insurance coverage suited for the specific needs of each client.
3. One of the markets that Wick Pilcher Insurance has developed over the past few years is an insurance program for U.S. homebuilders and specialty contractors.
4. In order to identify the appropriate type and scope of insurance coverage for a particular client, such as a homebuilder, Wick Pilcher Insurance performs

a thorough risk management assessment of the client and a project to be insured.

5. Historically, a risk management assessment of a client relied on traditional actuarial data that did not fully take into account particular characteristics of a project to be insured.
6. A few years ago, Wick Pilcher Insurance developed an innovative, robust insurance and risk management system based in part on a construction checkpoint system developed by Stanley Luhr ("the Luhr checkpoint system"), currently being marketed as "Nuway Insurance". The Nuway risk management system currently has 38 authorized insurance agencies country wide utilizing the checkpoint system.
7. The Luhr checkpoint system allows Wick Pilcher Insurance/Nuway Insurance to base the insurance underwriting guidelines for a particular construction project upon accurate data that reflects the historical performance of a particular client on projects having similar characteristics.
8. The Luhr checkpoint system also identifies checkpoints to be monitored during the phases of the construction project. In particular, the Luhr checkpoint system allows Wick Pilcher Insurance/Nuway Insurance in cooperation with the insured client to closely scrutinize and control jobsite operations by focusing attention on construction checkpoints that represent greater risks of construction defects.
9. By focusing on the identified construction checkpoints, Wick Pilcher Insurance/Nuway Insurance and its client are able to prevent recurring construction defects or locate and correct problems during phases of construction when the problems can be easily corrected rather than after the problems have become more difficult to correct (e.g., after being covered over by later phases of construction).

10. The checkpoint data and risk analysis trends provided by the Luhr checkpoint system have become fundamental tools that Wick Pilcher Insurance/Nuway Insurance uses in a risk management system that incentivizes its insured clients to perform to the highest quality standards, thus reducing the likelihood of construction defect claims and potentially reducing the premiums paid for construction liability insurance.
11. In view of the positive experience of Wick Pilcher Insurance/Nuway Insurance with the Luhr checkpoint system, 38 other brokers and insurance underwriters now support risk management programs that incorporate the Luhr checkpoint system.
12. The success of Wick Pilcher Insurance/Nuway Insurance and other insurers with the risk management program would not have been possible prior to the development of the Luhr checkpoint system.
13. The foregoing statements are based upon information within my personal knowledge, and I believe the statements are true and correct.

Respectfully submitted,

Dated: 11/12/09

By: Jeffrey J. Cook

Jeffrey J. Cook